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Legal Briefs.

In the Twelfth District Court Wm. P. Grase brings suit against J. H. McCasken to recover $185 and interest on a mechanics' lien.

The will of George W. Haie was filed for probate yesterday. He bequeathes his entire property to his wife, who is appointed sole executrix, without bonds. The property is valued at $3000.

In the Twelfth District Court in the case of Abba Lord Keeser or Abba Lord Palmer vs. D. D. Palmer the pretended marriage was declared to be a nullity. William F. McAllister was granted a divorce from Louisa M. McAllister. The law and motion calendar will be called September 14th.

In the Fourth District Court, in the case of Joseph A. Donohoe vs. The Mariposa Land and Mining Company, of California, et al., the default of the defendant was set aside and 30 days were allowed to answer.

In the Probate Court a hearing was had yesterday on a motion to remove Henry F. Williams from the executorship of the estate of the late Thomas Hayes.

In the Fifteenth District Court affidavits on a motion for an injunction in the case of Alfred A. Cohen vs. James M. Gray et al. were filed yesterday. The suit is brought to prohibit Henry Robinson, President of the Board of Trustees of Alameda, from voting for the purchase of thirteen acres on High street, on the ground that he is interested in the property.

Rebecca A. Jackson was granted a divorce from W. H. Jackson, and Adelia H. Kellogg was granted a divorce from W. W. Kellogg.

In the Third District Court, in the case of Dr. David Wooster vs. T. Paige, judgment was given for plaintiff for $1600 and interest, the full amount claimed.

In the Nineteenth District Court judgment was given for plaintiff in the case of Charles H. Hunt vs.

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A civil annulment provides that there was no valid marriage in the first place and the parties are free as if they were never married. Current California law allows annulment for the following (1) one spouse was in a marriage at the time, i.e. bigamous; (2) the marriage is incestuous; (3) the marriage resulted from fraud or force; (4) one spouse has an incurable physical incapacity and is unable to fulfill marital duties; and (5) one spouse was of unsound mind or was under 18 years old; this last can only be claimed by a petitioner if it is less than 4 years since they turned 18 years old. Previous laws need to be scrutinized.

However if one or both parties were married and subsequently marry again before obtaining a divorce or annulment of their marriage, one or both are guilty of bigamy if said charge is made while the bigamous condition exists. In the case where a nullification of the earlier marriage was ordered by the Court and one or both parties did marry a second time before that annulment was granted, neither party can be charged with bigamy AFTER the nullification of the earlier marriage because 'there was no valid marriage in the first place' however, they could have been charged with bigamy before the nullification was granted.

DD and Abba were married 10 January 1871. DD committed bigamy when he married Louvenia Landers in 1874 as there was no divorce or annulment of his marriage to Abba. However, his bigamous condition ended in September 1877 when the Court declared a nullification of that marriage. Not only did it end there, it also ended all possibility of him being charged for bigamy as a result of the marriage to Abba because that marriage never existed in law. From 1877 forward, DD's first marriage was to Louvenia Landers in 1874.

What were the grounds for the annulment? The Twelfth District Court records were destroyed in the 1906 earthquake and subsequent fire; at least they are believed to have been destroyed then. Looking at current law, the most obvious choice would be that Abba claimed to be under 18 at the time but, by 1877, she was well without the time limitation to make such a claim. This is why the law as it was in 1877 needs to be found.

As for Abba, she was also guilt of bigamy, of that we can be sure because her name in the court record is stated as being Abba Lord Keeser, aka Abba Lord Palmer. Therefore it can be surmised she was married at some point to a person with the surname Keeser (though there is the remote possibility that Abba went to court and had her name legally changed to Abba Lord Keeser for reasons unknown); furthermore this marriage happened before she filed for an annulment as it was the name she used when she filed for the nullification. Preliminary research has not turned up any marriage of Abba to a Mr. Keeser or to George Holden, the man to whom she sold her half of the 10 acres purchased with DD in 1871 in Iowa, Missouri, California, or Illinois. She filed for an annulment to extinguish any possibility of being found guilty of bigamy. If she was found guilty of bigamy, then any subsequent marriage was invalid as she was not eligible to get married under any State law and, in filing for a second marriage license she committed perjury by stating that she was free to marry and that makes any subsequent marriage invalid under the law. Invalid marriage means no divorce and no divorce settlement.